

PHILLIPS, GOLDMAN & SPENCE, P. A.

JOHN C PHILLIPS JR
STEPHEN W SPENCE
ROBERT S GOLDMAN
LISA C MCLAUGHLIN
JAMES P HALL
JOSEPH J FARNAN III
BRIAN E FARNAN
MELISSA E CARGNINO

ATTORNEYS AT LAW
PENNSYLVANIA AVE AND BROOM ST
1200 N BROOM STREET
WILMINGTON DELAWARE 19806

(302) 655-4200
(302) 655-4210 (F)

SUSSEX COUNTY OFFICE
1509 HIGHWAY ONE
DEWEY BEACH, DE 19971
(302) 226-4200
(302) 226-1205 (F)

Wilmington

REPLY TO: _____

December 11, 2006

VIA E-FILE and HAND DELIVERY

The Honorable Sue L. Robinson
United States District Court
for the District of Delaware
844 North King Street
Wilmington, DE 19801

RE: '318 Patent Infringement Litigation (consolidated)
C.A. No. 05-536 (KAJ)
Our File No.: BARLA-1

Dear Chief Judge Robinson:

We represent defendants Barr Laboratories, Inc. and Barr Pharmaceuticals, Inc. (collectively "Barr") in the above Hatch-Waxman patent case, which is currently assigned to Judge Jordan. This morning we filed Barr Laboratories, Inc. and Barr Pharmaceuticals, Inc.'s Motion to Reassign Case to Preserve the Upcoming Trial Date of this Action (the "Motion").

In light of Judge Jordan's recent confirmation to the United States Court of Appeals for the Third Circuit, we have enclosed a copy of the Motion for Your Honor's review as Chief Judge of this District. The reason for the Motion is that if this matter is delayed Barr will not receive the full benefit of the six month marketing exclusivity that is given to a successful challenger of an Orange-book listed patent, making this litigation a meaningless exercise and creating a windfall for Plaintiffs. As a consequence, we respectfully request that Your

Honor reassign this case as soon as possible. We are available at the Court's convenience should Your Honor have any questions.

Respectfully,


JOHN C. PHILLIPS, JR.

JCP:tlb

Enclosure

cc: The Honorable Kent A. Jordan (w/enc.)
Steven J. Balick, Esquire (w/enc.)
Frederick L. Cottrell, III, Esquire (w/enc.)
George F. Pappas, Esquire (w/enc.)
Alan Bernstein, Esquire (w/enc.)